

<sup>1</sup> On November 19, 2007, the Clerk of Court received a letter from the Petitioner advising that he was in segregation for disciplinary reasons

excusable neglect in the failure to timely file these pleadings and requests an additional 90 days in which to do so.

The Rules provide the Court with no jurisdiction or authority to further extend the time for filing an appeal for the Petitioner. As for the letter of November 19, 2007, which has been construed as a notice of appeal, the Court finds it is untimely filed. Additionally, there is no provision in the Rules for the Court to extend the time for filing a request for a certificate of appealability.

**IT IS, THEREFORE, ORDERED** that the Petitioner's motion to extend time for filing appeal and to seek a certificate of appealability is hereby **DENIED**.

Signed: December 11, 2007



Lacy H. Thornburg  
United States District Judge



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and had missed the Court's deadline for filing his notice of appeal and request for a certificate of appealability. He also advised that as soon as he was released from segregation, he would file a motion for an extension of time with the Court. The Clerk filed such letter as a notice of appeal and transmitted same to the Fourth Circuit Court of Appeals; it has been assigned Case No. 07-7699.